

## **REMARKS / ARGUMENTS**

### **Status of Claims**

Claims 1-30 are pending in the application. Claims 1-30 stand rejected, leaving Claims 1-30 for consideration.

Applicant respectfully submits that the rejections under 35 U.S.C. §103(a), have been traversed, that no new matter has been entered, and that the application is in condition for allowance.

### **Rejections Under 35 U.S.C. §103(a)**

Claims 1-6, 8, 10-19, 21-24 and 26-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miyaji et al. (U.S. Patent Publication No. 2003/0230998, hereinafter Miyaji) in view of Brotto (U.S. Patent No. 7,102,303, hereinafter Brotto) and in further view of Hodorowski (U.S. Patent No. 5,530,643, hereinafter Hodorowski)

Regarding Claims 1, 15, 26 and 30 the Examiner acknowledges that the combination of Miyaji and Brotto does not show the microcontroller is adapted for sending a programming signal from the computer to the motor control in response to the programming signal being sent within a defined time following the control element turning on power to the motor control and looks to Hodorowski to cure this deficiency.

Regarding Claim 1, the examiner acknowledges that Miyaji fails to teach a power terminal adapted for sending power to the motor control or the microcontroller for turning on power and for turning off power and looks to Brotto to cure this deficiency.

The Examiner found that Miyaji discloses generally the embodiments of Claims 4-6, 10-11, 14, 16-19, 24 and 27. Furthermore, the Examiner found that in regard to Claims 3, 22 and 23, Miyaji discloses communicating the programming signal from the computer to the motor control in the absence of an optoelectric isolator.

The Examiner found that Brotto discloses generally the embodiments of Claims 8, 12-13 and 24.

Claims 7, 9, 20, 25 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miyaji in view of Brotto, in view of Hodorowski as applied to claims 1, 4-6, 8, 15-19 and 26-27 above and in further view of Olesen et al. (U.S. Patent Publication No. 2002/0151993, hereinafter Olesen).

Regarding Claims 7, 9, 20, 25 and 28, the Examiner acknowledges that combination of Miyaji and Brotto fails to disclose that the computer is adapted for signal communication with the internet and looks to Olesen to cure this deficiency.

Claims 2 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Miyaji in view of Brotto, in view of Hodorowski as applied to claims 1, 3, 15 and 21 above, and further in view of Conoval (U.S. Patent No. 6,400,903, hereinafter Conoval).

Regarding Claims 2 and 22, the Examiner acknowledges that combination of Miyaji and Brotto fails to disclose a plurality of signal paths for communicating signals between the first signal port and the second signal port, each signal path adapted for signal communication at a baud rate equal to or greater than 2400 baud and looks to Conoval to cure this deficiency.

Applicant traverses these rejections for the following reasons.

Applicant respectfully submits that the obviousness rejection based on the References is improper as the References fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

With respect to Claims 1-6, 8, 10-19, 21-24 and 26-27, Applicant respectfully submits that independent Claim 1 is not obvious in light of Miyaji in view of Brotto in further view of Hodorowski. Miyaji discloses a distributed control system for the control of multiple motors such as in a robotic or automated apparatus. More specifically, Miyaji discloses a system that reduces the load on a host computer and reducing the

communications loads on the system. Examiner states in the Office Action that Hodorowski discloses a microcontroller adapted for sending a programming signal from the computer to the motor control in response to the programming signal being sent within a defined time following the control element turning on power to the control motor. Applicant respectfully disagrees.

Hodorowski teaches a system for configuring and programming a distributed industrial control system. The system includes a computer (20) that transmits a user defined program to one or more control modules (12), that include a motor starter module (52) that drives a motor (36). The motor starter module receives the programming signal from a controller (86) which automatically transmits the signal. [Hodorowski, Col 10., Line 25-29]. The control modules may also schedule the transmission of signals at later times based on its priority to conserve network capacity. [Hodorowski, Col 21, Line 33-36]. Thus, Applicant respectfully submits that the system of Hodorowski transmits the signal based on the available network capacity.

In contrast to independent Claim 1 which includes a limitation that the programming signal is sent within a defined time period after turning on power to the motor control, Hodorowski does not disclose, teach or suggest such a limitation. Applicant respectfully submits that controller (86) of Hodorowski will transmit a programming signal independently of the power to the motor starter (52). Applicant further submits that the combination of Miyaji, Broto and Hodorowski would not perform in the same manner as independent Claim 1 since the controller of Hodorowski would automatically transmit the programming signal irrespective of timing relative to supply of electrical power to a motor control. Accordingly, Applicant respectfully submits that the obviousness rejection is improper since Miyaji in light of Broto in further view of Hodorowski does not teach, disclose or suggest each and every element of independent Claim 1.

With respect to independent Claim 15, applicant respectfully submits that Claim 15 is not obvious in view of Miyaji in light of Broto in further view of Hodorowski. Independent Claim 15 provides a method for programming a motor control of a motor.

Applicant respectfully submits that neither Miyaji, Brotto, nor Hodorowski disclose a method of receiving a programming signal from a computer within a defined time following power being provided to the motor control as discussed above with respect to independent Claim 1. Applicant respectfully submits that the combination of Miyaji, Brotto or Hodorowski do not teach, suggest or disclose the receiving of a programming signal at an interface within a defined time following power being turned on at the motor control. Accordingly, reconsideration and withdrawal of the rejection of Claim 15 is respectfully requested.

With respect to independent Claim 26, applicant respectfully submits that Claim 26 is not obvious in view of Miyaji in light of Brotto in further view of Hodorowski. Independent Claim 26 provides a method for testing a cable connection between an interface and a motor control. Applicant respectfully submits that neither Miyaji, Brotto nor Hodorowski disclose a method for testing a cable between an interface and a motor control. In the Office Action, the Examiner cites Fig. 1, Fig. 3 and paragraph [0100] as teaching the comparator threshold value and providing a cable test failure signal. [paper 20071101, paragraphs 18-19]. Applicant respectfully disagrees. Paragraph [0100] of Miyaji teaches the operational control of a robot horizontal sustaining control. The controller of Miyaji is not testing a cable, but rather is determining whether the robot has achieved the desired horizontal state S29. The cited sections of Miyaji relate to the normal operations of the robot not to the testing of cable with a signal. Applicant respectfully submits that Miyaji simply does not disclose the sending, receiving and comparison test signal or the transmission of a cable test failure signal as required by independent Claim 26. Accordingly, Applicant respectfully submits that neither Miyaji, Brotto, nor Hodorowski teach, suggest or disclose a method of testing a cable connection and therefore the obviousness rejection is improper. Reconsideration and withdrawal of the rejection of Claim 26 is respectfully requested.

Applicant respectfully submits that dependent Claims 2-6, 8, 10-14, 16-19, 21-24 and 27 which depend directly or indirectly from independent Claims 1, 15 and 26 include all the limitations of the parent claim and additional limitations not shown in the prior art.

For the reasons stated above with respect to independent Claims 1, 15 and 26, Applicant respectfully submits that dependent Claims 2-6, 8, 10-14, 16-19, 21-24 and 27 are not obvious in view of Miyaji in light of Brotto in further view of Hodorowski. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

With respect to Claims 7, 9, 20, 25 and 28, Applicant respectfully submits that Claims 7, 9, 20, 25 and 28 are not obvious in light of Miyaji in view of Brotto, in view of Hodorowski in further view of Olesen. Applicant respectfully submits that dependent Claims 7, 9, 20, 25 and 29 which depend directly or indirectly from independent Claims 1, 15 and 26 include all the limitations of the parent claim and additional limitations not shown in the prior art. Applicant respectfully submits that Olesen fails to overcome the deficiencies found in the combination of Miyaji, Brotto and Hodorowski. Olesen discloses a system for updating configuration files in a motor controller directly from a webpage found on the internet. [Olesen, see abstract, Paragraph [0028] – [0030]. Specifically, Olesen fails to disclose the claimed limitation of transmitting a programming signal within a defined time period after the power is turned on to the motor control. Therefore, for at least the reasons stated above with respect to independent Claims 1, 15 and 26, Applicant respectfully submits that dependent Claims 7, 9, 20, 25 and 29 are not obvious in view of Miyaji in light of Brotto in view of Hodorowski in further view of Olesen. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

With respect to Claims 2 and 22, Applicant respectfully submits that Claims 2 and 22 are not obvious in light of Miyaji in view of Brotto, in view of Hodorowski in further view of Conoval. Applicant respectfully submits that dependent Claims 2 and 22 which depend directly or indirectly from independent Claims 1 and 15 include all the limitations of the parent claim and additional limitations not shown in the prior art. Applicant respectfully submits that Conoval fails to overcome the deficiencies found in the combination of Miyaji, Brotto and Hodorowski. Conoval discloses a camera control

system that allows interaction with a remotely located computer. [Conoval, Col 4, lines 25- 51]. Specifically, Conoval fails to disclose the claimed limitation of Claim 1 of transmitting a programming signal within a defined time period after the power is turned on to the motor control. Further, Conoval fails to disclose the claimed limitation of claim 15 of a receiving a reset signal, generating a ready signal and receiving a program signal within a defined period of time. Therefore, for at least the reasons stated above with respect to independent Claims 1 and 15, Applicant respectfully submits that dependent Claims 2 and 22 are not obvious in view of Miyaji in light of Brotto in view of Hodorowski in further view of Conoval. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this rejection.

In view of the foregoing, Applicant submits that the References fail to teach or suggest each and every element of the claimed invention and are therefore wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what the patent Applicant has done, fail to recognize a problem recognized and solved only by the present invention, fail to offer any reasonable expectation of success in combining the References to perform as the claimed invention performs, fail to teach a modification to prior art that does not render the prior art being modified unsatisfactory for its intended purpose, and discloses a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests reconsideration and withdrawal of all rejections under 35 U.S.C. §103(a), which Applicant considers to be traversed.

If a communication with Applicant's Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 06-1130.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

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